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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE SECOND PART* (PUBLIC) OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 7 March 1991, at 10 a.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(c) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII); report of the Working Group on Situations established by the Commission at its forty-sixth session (continued)

Consideration of draft resolutions and decisions relating to agenda item 12 (continued)

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* The summary record of the first part (closed) of the meeting appears as document E/CN.4/1991/SR.55.

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The public meeting was called to order at 12.40 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(c) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII); REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY THE COMMISSION AT ITS FORTY-SIXTH SESSION (continued)

1. The CHAIRMAN announced that at the closed meeting, under the procedure established by Economic and Social Council resolution 1503 (XLVIII), the Commission had adopted decisions concerning Myanmar, Somalia, Sudan, Chad and Zaire. In accordance with paragraph 8 of Council resolution 1503 (XLVIII), the members of the Commission were required to respect the strictly confidential nature of those decisions. However, as the Commission revealed the names of countries whose situation it had considered under its confidential procedure, it could also indicate that it had decided to discontinue consideration of the human rights situation in Zaire.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEM 12 (continued)

Draft resolutions E/CN.4/1991/L.31 and E/CN.4/1991/L.80

2. The CHAIRMAN informed the Commission that, following extensive consultations among various delegations, the two draft resolutions E/CN.4/1991/L.31 and E/CN.4/1991/L.80 on the situation of human rights in the Islamic Republic of Iran had been withdrawn by their sponsors and replaced by a single text, which it was proposed that the Commission should adopt without a vote.

3. Mr. PACE (Secretary of the Commission) read out the text of the new draft resolution:

Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Recalling its resolution 1990/79 of 7 March 1990 as well as General Assembly resolution 45/173 of 18 December 1990,

Noting the fact that the Government of the Islamic Republic of Iran has continued to provide replies to the allegations communicated to it and that the Special Representative on the situation of human rights in the Islamic Republic of Iran considers it useful to continue the exchange of information with the Government,

Noting further the findings of the Special Representative on the situation of the Baha'is in the Islamic Republic of Iran,

1. Takes note with appreciation of the interim report by the Special Representative to the General Assembly (A/45/697 annex) and his final report to the Commission on Human Rights (E/CN.4/1991/35), in particular the conclusions and recommendations contained therein and notes with concern the allegations of human rights violations in the Islamic Republic of Iran;

2. Welcomes the full cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, which has reached its highest level, as well as the intention of the Government to continue its full cooperation with the Special Representative;

3. Calls upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

4. Takes note of the invitation extended by the Government of the Islamic Republic of Iran to the International Committee of the Red Cross to visit prisons in that country following the conclusion, as soon as possible, of an agreement in accordance with standard Red Cross modalities;

5. Endorses the view of the Special Representative that the question of displaced persons and refugees as well as victims of chemical weapons in the Islamic Republic of Iran could fall within the mandate of the Special Representative and could be covered in his report;

6. Invites the Secretary-General to respond favourably, in accordance with the normal practices of the Centre for Human Rights, to requests for technical assistance from the Government of the Islamic Republic of Iran;

7. Requests the Special Representative to maintain his contacts and cooperation with the Government of the Islamic Republic of Iran and to report on further progress with regard to the recommendations contained in his report, on the basis of his mandate pursuant to Commission on Human Rights resolution 1984/54 of 14 March 1984;

8. Also requests the Special Representative to submit a report to be considered by the Commission at its forty-eighth session; the Commission will consider the report with a view to its discontinuing the mandate if there is further progress achieved regarding his recommendations;

9. Requests the Secretary-General to give all necessary assistance to the Special Representative.

4. The implementation of the draft resolution presupposed the realization of a number of activities on the basis of the plan pursued by the Special Representative during the exercise of his current mandate. The total cost of the activities would amount to $90,900 in 1991 and $15,900 in 1992 and would be financed with resources provided under sections 23 and 28 of the programme budget.

5. The new draft resolution on the situation of human rights in the Islamic Republic of Iran, which replaced draft resolution E/CN.4/1991/L.31 and E/CN.4/1991/L.80, was adopted without a vote.

6. Ms. ANDREYCHUK (Canada) regretted that it had not been possible to reach a consensus on draft resolution E/CN.4/1991/L.80, which her delegation had sponsored. That text had been in conformity with the report of the Special Representative on Iran and had been similar to the draft resolutions adopted on the same question by the General Assembly and the Commission on Human Rights in recent sessions.

7. In the new text, which extended the Special Representative's mandate, the Commission noted with concern the allegations of human rights violations in Iran and called upon the Government of Iran to comply with international instruments on human rights. Further, paragraph 8 indicated that the Commission would reconsider the question at its forty-eighth session and that an extension of the Special Representative's mandate would depend upon the extent to which progress had been made in the human rights situation in Iran. For that reason, her delegation had joined in the consensus on the draft resolution.

8. Mr. BLACKWELL (United States of America) said that his delegation had joined in the consensus on the draft resolution submitted by the Chairman, but would have preferred it to be much more specific about the current human rights situation in that country. On the whole, however, the United States regarded the text as acceptable, and it commended the delegation of Austria on its efforts in reaching a compromise. That being said, when deciding whether to extend a special representative's mandate, the Commission usually took into account any progress made in the human rights situation in the country concerned. If progress had been such that the situation of human rights in Iran was in conformity with the provisions of the Universal Declaration and other relevant international instruments, there would be no need whatsoever to continue the Special Representative's mandate. His delegation expected that the Commission on Human Rights would bear that in mind when considering the question at its forty-eighth session.

9. Mr. ZAMIR (Bangladesh) said that his delegation had joined in the consensus that had emerged concerning the draft resolution on the situation of human rights in Iran in view of the cooperation extended by the Government of Iran to the Special Representative. Bangladesh commended the delegation of Austria for its untiring efforts to produce a text acceptable to all delegations.

10. Mr. HESSEL (France) expressed his appreciation to those delegations that had participated in the negotiations on the text, which was an acceptable compromise, and to the Iranian delegation, which had agreed to its terms. It was to be hoped that further progress would be made in the area of human rights in Iran, so that the Commission could then take a positive decision on that country at its forty-eighth session.

11. Mr. CESKA (Austria) was pleased that the negotiations on the draft resolutions on the human rights situation in Iran had been so fruitful. His delegation thanked those delegations that had taken part in the negotiations for their spirit of cooperation and their flexibility. Austria was convinced

that further progress would be made in Iran and that the Commission would therefore be able to discontinue the Special Representative's mandate at its forty-eighth session.

12. Mr. SENE (Senegal) welcomed the consensus reached regarding the draft resolution on the situation of human rights in the Islamic Republic of Iran and paid a tribute to those delegations that had participated in the negotiations leading to the drafting of the text, proof of the international community's cooperative attitude towards the promotion and protection of human rights. He commended in particular the delegation of Austria, which had been at the heart of those consultations, and the delegation of Iran, whose attitude was in conformity with its statement to the Commission on 27 February 1991, in which it had reaffirmed the importance of dialogue and cooperation and the need to implement all relevant international human rights instruments. He was pleased that the agreement had been reached on the basis of those principles.

13. Mr. AL-KADHI (Iraq) said that his delegation had not objected to the adoption of the draft resolution so as not to break the consensus that had emerged on the text. However, it did not understand why, in accordance with paragraph 5 of the draft, the Special Representative should concern himself with the question of refugees, which in its view fell under the mandate of other international organizations, and in particular the United Nations High Commissioner for Refugees. Iraq therefore had reservations on paragraph 5 and requested that they should be reflected in the summary record of the meeting.

14. Mr. KAMAL (Pakistan) welcomed the adoption by consensus of the draft resolution on the situation of human rights in Iran. In view of the changes that had occurred in Iran since 1984, the cooperation extended to the Commission and to the Special Representative by the Government of Iran and the measures taken by the latter to improve the human rights situation in Iran, which, according to the Special Representative himself, were in keeping with the wishes of the Commission, the time had come to reconsider the Special Representative's mandate. But even if, in a year's time, the Special Representative's mandate was not extended, cooperation between the Commission and Iran should be not only pursued but stepped up.

15. Mrs. QUISUMBING (Philippines) was pleased that a consensus had been reached on the situation of human rights in Iran. She congratulated the Chairman on the wisdom and diplomacy he had demonstrated during the negotiation process and thanked those delegations, and in particular Austria, that had made the consensus possible.

16. Mr. MOTTAGHI-NEJAD (Observer for the Islamic Republic of Iran) welcomed the adoption by consensus of the draft resolution, which reflected the view expressed by many delegations and by the Special Representative himself that the situation in Iran had, indeed, changed. His delegation was particularly grateful to the Austrian delegation for its efforts to interrupt the voting process under way and to seek a compromise solution that took into account the cooperative spirit shown by the Iranian Government. The Commission's decision showed that cooperation was better than confrontation and might therefore serve as an example for other cases.

17. His delegation also thanked the sponsors of draft resolution E/CN.4/1991/L.31, which would have discontinued the mandate of the Special Representative for Iran, and accepted the new draft resolution, although it did not go along with certain components because it considered it preferable to continue its cooperation with the Commission as a whole rather than with a divided body. It expressed appreciation to all those delegations that had stated their views on how the monitoring procedure vis-à-vis Iran should be concluded.

18. The CHAIRMAN joined in thanking all those delegations that had taken part in the consultations leading to a consensus, which was the best indication of the considerable progress made by the Commission in its work at the forty-seventh session.

The meeting rose at 1.10 p.m.